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FILED
SEP 9 1998
DISTRICT OF UTAH
BY: [Signature]

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U.S. DISTRICT COURT

K. Chris Todd
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Attorneys for Defendants Luber and Thoma

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

GERARD PHILLIP BIEMER a United States
Citizen; BONUS
VERMOGENSVERWALTUNGS, gmbh., a
German corporation; FRIEDRICH F.
HERRLING, a German national as President
of Bonus Vermögensverwaltungs,

Plaintiffs,

v.

EUROGAS, INC., a Utah corporation; MSA-
MESA a foreign corporation; PETER
THOMA, a Swiss citizen; EDGAR LUBER, a
German citizen; JOHN DOES 1-X,

Defendants.

Civil No. 2:97CV0793B

Judge: Dee Benson

ORDER

46

Upon consideration of defendants Edgar Luber's and Peter Thoma's ("defendants") Motion to Dismiss the Amended Complaint and related briefing, plaintiffs' responses and related briefing, and the arguments of the parties during a hearing on this matter on August 28, 1998,

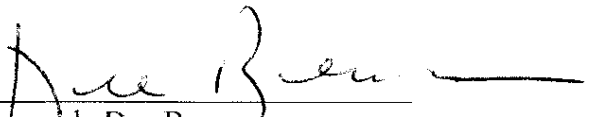
IT IS HEREBY ORDERED THAT:

Pursuant to Federal Rule of Civil Procedure 12(b), the Court has treated defendants' Motion to Dismiss as a motion for summary judgment under Rule 56. The Court finds that the terms of the settlement agreement dated June 19, 1997 and the subsequent Order entered by Judge David Sam of this Court in Gerard Phillip Biemer, et al. v. Eurogas, Inc., et al., Civil No. 96-CV 0941 S, preclude this action against defendants. Accordingly, defendants are granted summary judgment and the Amended Complaint is dismissed with prejudice as to them.

The parties shall bear their own costs and attorneys' fees.

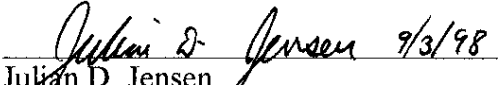
DATED this 16th day of September, 1998.

BY THE COURT:



Honorable Dee Benson
United States District Judge

APPROVED AS TO FORM:



Julian D. Jensen
Attorneys for Plaintiffs

424737

ce

United States District Court
for the
District of Utah
September 15, 1998

* * MAILING CERTIFICATE OF CLERK * *

Re: 2:97-cv-00793

True and correct copies of the attached were mailed by the clerk to the following:

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